

REMARKS

Claims 1 – 20 were pending in this application.

Claims 11-20 were restricted from consideration.

Claims 5-20 were cancelled.

Claims 1, 2, 3 and 4 are amended.

New Claims 21 and 22 have been added.

I. Restriction Requirement.

The Applicant elected Claims 1-10 in response to the restriction requirement. Claims 11-20 have been cancelled. The applicant reserves the right to reintroduce the matter contained in Claims 11-20 in a divisional, continuation or continuation-in-part application.

II. 35 USC 112 Rejections

The Examiner has objected to the wording of Claims 1 under 35 USC 112, second paragraph. Claim 1 been amended to remove the stated cause of rejection. All pending claims are now believed to stand in proper form under 35 USC 112.

III. 35 USC 102(b) Rejections

The Examiner has rejected Claims 1 - 3 under 35 USC 102(e) as being unpatentable over U.S. Patent Application Publication No. 2004/0077251 to Kim.

The rejected claims contain one independent claim, which is Claim 1. Claim 1 has been amended is believed to be distinguishable over the Kim patent as is explained below.

Claim 1 sets forth a novelty bank assembly that defines an internal money compartment. The bank has an access door that is used to remove money from the money compartment. The bank also has a money port for passing money into the money compartment. Within the bank is

a first sensor for sensing when money is added through the money port. A second sensor is provided for sensing when the access door is opened.

A character is provided that is part of the overall bank. The character moves through a first animated sequence when the first sensor detects that money is being passed into the bank through the money port. The character moves through a second animated sequence when the second sensor detects that said access door is opened.

The Kim reference shows a bank where a character moves if money is properly placed in the bank.

The Kim reference makes no disclosure of a bank having a character that moves through a first animation sequence when money is added to the bank and a second animation sequence when money is taken from the bank. Rather, it is clear from the Kim reference that when money is taken from the bank through the coin outlet (42), nothing happens. See paragraph 0053 of Kim. The coin outlet (42) in the Kim reference is isolated. There is no mechanical or electrical event that occurs when the coin outlet is opened.

It is also clear that the Kim reference does not contain a sensor for detecting when the coin outlet has been opened. Rather, the Kim reference only registers when money is added to the bank. There is no disclosure of any action that occurs when money is removed from the bank.

Consequently, the Kim reference does not disclose any structure that moves through a first animation sequence when money is added to the bank and a second animation sequence when money is taken from the bank.

The Kim reference, therefore, does not disclose or suggest any device that functions in the same manner as device set forth in Claim 1. Consequently, the Kim reference fails to anticipate the matter set forth in Claim 1. It is therefore requested that the 35 USC 102 rejection as applied to claim 1 and its dependent claims be withdrawn.

IV. 35 USC 103(a) Rejections

The Examiner has rejected Claim 4 under 35 USC 103(a) as being unpatentable in view of Kim in further view of Krvavica.

Claim 4 depends from Claim 1. The matter of Claim 1 differentiates from the Kim reference from the reasons previously presented.

The Krvavica patent discloses a recording device that attaches to a toilet flush handle and plays messages when the toilet is flushed.

The Krvavica patent does nothing to address the deficiencies of the Kim reference as applied to the wording of Claim 1. The combined Kim and Krvavica reference fail to disclose any bank with an animated character where the animated character moves through a first animation sequence when money is added to the bank and a second animation sequence when money is taken from the bank. Consequently, the combined reference fails to disclose the matter set forth in Claim 1, the base claims of Claim 4.

V. NEW CLAIMS

New Claims 21-23 have been added to this application.

Claim 21

Claim 21 depends from Claim 1 and is believed to be distinguishable over the prior art of record for the reasons presented in support of Claim 1.

Claim 22

Claim 22 is an independent claim that sets forth a novelty bank assembly. The bank assembly has a first sensor for sensing when money is added to the bank. The bank assembly also has a second sensor for sensing when an access door is opened so that money can be removed from the bank. A microprocessor is provided for determining if the bank is in a full condition, where more than a predetermined amount of money is present, or an empty condition, where less than a predetermined amount of money is present.

The bank also includes an animated character. The character moves through a first animated sequence when money is being passed into the bank. The character moves through a second animated sequence when money is taken from the bank. In addition to separate animation

sequences, the bank broadcasts different audio messages when money is added to the bank and when money is taken from the bank. The content of the audio messages is dependent upon whether the bank is in a full condition or an empty condition.

The cited Kim reference does not show a bank with a character that moves when money is taken from the bank.

The cited Krvavica reference does not show a bank with a character that moves when money is taken from the bank.

The cited Wood patent also does not show a bank with a character that moves when money is taken from the bank.

None of the above reference also varies a broadcast message depending upon whether the bank is in a full condition or an empty condition.

Consequently, the matter of New Claim 22 is believed to be fully distinguishable over the cited prior art.

Claim 23.

Claim 23 sets forth novelty bank assembly. The bank assembly includes a pedestal base and a character that is positioned upon the pedestal base. A first sensor is provided for sensing when money is past through a coin slot and into the bank. A second sensor is provided for sensing when an access door to the money in the bank is opened. A microprocessor that determines whether more than a predetermined amount of money is present in the bank, therein providing a determination if the bank is in a full condition or empty condition.

The bank broadcasts audio messages of different message types. The message types being broadcast depend upon whether the bank is in a full condition or an empty condition and whether the first sensor or the second sensor is activated.

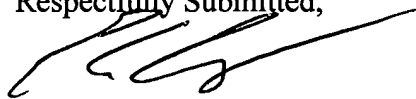
None of the references cited by the Examiner show a bank that varies the audio message that is being broadcast as a function of whether or not the bank is full and whether or not money is being added or taken from the bank.

Consequently, the matter of new Claim 23 is believed to be fully distinguishable over the cited prior art.

VL SUMMARY

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,



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